

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff, : Case No. 3:06-cr-110

-vs- : District Judge Thomas M. Rose  
MICHAEL AARON GARNETT, Chief Magistrate Judge Michael R. Merz

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 15), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on July 17, 2008, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the § 2255 Motion be, and it hereby is, denied with prejudice. Because reasonable jurists would not disagree with this conclusion, Defendant is denied leave to appeal *in forma pauperis* and any requested certificate of appealability.

August 4, 2008

**\*S/THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge